

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CIVIL ACTION NO. 08-X-50748

vs.

DISTRICT JUDGE ARTHUR J. TARNOW
MAGISTRATE JUDGE DONALD A. SCHEER

MILAD KOUNA,

Defendant.

/

ORDER DENYING REQUEST FOR HEARING REGARDING GARNISHMENT

This matter is before the magistrate judge on Order of Reference concerning Defendant's Request for a Hearing Regarding Garnishment (Docket #15). Defendant pled guilty in this Court to one count of structuring transactions to avoid reporting requirements. He was sentenced on January 30, 2008, to a term of incarceration of 12 months and one day, and ordered to pay a thirty thousand dollar fine. Defendant is currently incarcerated at the Federal Correctional Institute in Morgantown, West Virginia.

After discovering that the Defendant had multiple sources of income (checking account, cash value life insurance, possible part owner of a business), the government obtained writs of garnishment in August 2008, from the Clerk of the Court (Docket #1, #7 & #8). Defendant filed the instant motion seeking a hearing in order to contest the garnishment. The government filed a response to the motion opposing the hearing.

Local Court Rule 7.1(e)(1) provides, in pertinent part, as follows:

(e) Hearing on Motions

(1) Oral hearings on... motions in civil cases where a party is in custody will not be held unless ordered by the assigned judge.

Since the Defendant is currently incarcerated in West Virginia, the motion requesting a hearing concerning the garnishment is hereby DENIED.

SO ORDERED.

s/Donald A. Scheer
DONALD A. SCHEER
UNITED STATES MAGISTRATE JUDGE

DATED: December 9, 2008

CERTIFICATE OF SERVICE

I hereby certify on December 9, 2008 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to the following non-registered ECF participants on December 9, 2008: **Milad Knouna**.

s/Michael E. Lang
Deputy Clerk to
Magistrate Judge Donald A. Scheer
(313) 234-5217